

SUBCHAPTER IV—MISCELLANEOUS  
PROVISIONS

**§ 1961. Locally convenient day schools**

**(a) Sense of Congress**

It is the sense of Congress that the absence of locally convenient day schools may contribute to the breakup of Indian families.

**(b) Report to Congress; contents, etc.**

The Secretary is authorized and directed to prepare, in consultation with appropriate agencies in the Department of Health and Human Services, a report on the feasibility of providing Indian children with schools located near their homes, and to submit such report to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives within two years from November 8, 1978. In developing this report the Secretary shall give particular consideration to the provision of educational facilities for children in the elementary grades.

(Pub. L. 95-608, title IV, §401, Nov. 8, 1978, 92 Stat. 3078; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Department of Health and Human Services” substituted for “Department of Health, Education, and Welfare” in subsec. (b), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress. Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

**§ 1962. Copies to the States**

Within sixty days after November 8, 1978, the Secretary shall send to the Governor, chief justice of the highest court of appeal, and the attorney general of each State a copy of this chapter, together with committee reports and an explanation of the provisions of this chapter.

(Pub. L. 95-608, title IV, §402, Nov. 8, 1978, 92 Stat. 3078.)

**§ 1963. Severability**

If any provision of this chapter or the applicability thereof is held invalid, the remaining provisions of this chapter shall not be affected thereby.

(Pub. L. 95-608, title IV, §403, Nov. 8, 1978, 92 Stat. 3078.)

**CHAPTER 22—BUREAU OF INDIAN AFFAIRS  
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 (a) Purpose; declarations of purpose.  
 (b) Accreditation.  
 (c) Annual plan.  
 (d) Closure or consolidation of schools.  
 (e) Application for contracts or grants for non-Bureau-funded schools or expansion of Bureau-funded schools.  
 (f) Joint administration.  
 (g) General use of funds.  
 (h) Study on adequacy of funds and formulas.
2002. National criteria for home-living situations.  
 (a) Revision of standards.  
 (b) Implementation.  
 (c) Plan.  
 (d) Waiver.  
 (e) Closure for failure to meet standards prohibited.
2003. Codification of regulations.  
 (a) Part 32 of Title 25, Code of Federal Regulations.  
 (b) Definition of regulation.
2004. School boundaries.  
 (a) Establishment by Secretary.  
 (b) Establishment by tribal body.  
 (c) Boundary revisions.  
 (d) Funding restrictions.  
 (e) Reservation as boundary.  
 (f) Off-reservation home-living (dormitory) schools.
2005. Facilities construction.  
 (a) National survey of facilities conditions.  
 (b) Compliance with health and safety standards.  
 (c) Compliance plan.  
 (d) Construction priorities.  
 (e) Hazardous condition at Bureau-funded school.  
 (f) Funding requirement.  
 (g) No reduction in Federal funding.
2006. Bureau of Indian Affairs education functions.  
 (a) Formulation and establishment of policy and procedure; supervision of programs and expenditures.  
 (b) Direction and supervision of personnel operations.  
 (c) Inherent Federal function.  
 (d) Evaluation of programs; services and support functions; technical and coordinating assistance.  
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 (f) Acceptance of gifts and bequests.  
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2007. Allotment formula.  
 (a) Factors considered; revision to reflect standards.  
 (b) Pro rata allotment.  
 (c) Annual adjustment; reservation of amount for school board activities.  
 (d) Reservation of amount for emergencies.  
 (e) Supplemental appropriations.  
 (f) Eligible Indian student defined.  
 (g) Tuition.  
 (h) Funds available without fiscal year limitation.  
 (i) Students at Richfield dormitory, Richfield, Utah.
2008. Administrative cost grants.  
 (a) Definitions.  
 (b) Grants; effect upon appropriated amounts.  
 (c) Determination of grant amount.  
 (d) Administrative cost percentage rate.

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- (e) Combining funds.
  - (f) Availability of funds.
  - (g) Treatment of funds.
  - (h) Treatment of entity operating other programs.
  - (i) Studies for determination of factors affecting costs; base rates limits; standard direct cost base; report to Congress.
  - (j) Authorization of appropriations.
  - (k) Applicability to schools operating under Tribally Controlled Schools Act of 1988.
  - (l) Administrative cost grant budget requests.
2009. Division of Budget Analysis.
- (a) Establishment.
  - (b) Functions.
  - (c) Annual reports.
  - (d) Use of reports.
2010. Uniform direct funding and support.
- (a) Establishment of system and forward funding.
  - (b) Local financial plans for expenditure of funds.
  - (c) Tribal division of education, self-termination grant and contract funds.
  - (d) Technical assistance and training.
  - (e) Summer program of academic and support services.
  - (f) Cooperative agreements.
  - (g) Product or result of student projects.
  - (h) Matching fund requirements.
2011. Policy for Indian control of Indian education.
- (a) Facilitation of Indian control.
  - (b) Consultation with tribes.
2012. Indian education personnel.
- (a) In general.
  - (b) Regulations.
  - (c) Qualifications of educators.
  - (d) Hiring of educators.
  - (e) Discharge and conditions of employment of educators.
  - (f) Applicability of Indian preference laws.
  - (g) Compensation or annual salary.
  - (h) Liquidation of remaining leave upon termination.
  - (i) Transfer of remaining sick leave upon transfer, promotion, or reemployment.
  - (j) Ineligibility for employment of voluntarily terminated educators.
  - (k) Dual compensation.
  - (l) Voluntary services.
  - (m) Proration of pay.
  - (n) Extracurricular activities.
  - (o) Definitions.
  - (p) Covered individuals; election.
  - (q) Furlough without consent.
  - (r) Stipends.
2013. Computerized management information system.
- (a) In general.
  - (b) Implementation of system.
2014. Recruitment of Indian educators.
2015. Annual report; audits.
- (a) Annual reports.
  - (b) Budget request.
  - (c) Financial and compliance audits.
  - (d) Administrative evaluation of schools.
2016. Rights of Indian students.
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- (a) Promulgation.
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- (a) Regional meetings.

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- (b) Negotiated rulemaking.
  - (c) Application of section.
2019. Early childhood development program.
- (a) In general.
  - (b) Amount of grants.
  - (c) Application.
  - (d) Requirement of programs funded.
  - (e) Coordination of family literacy programs.
  - (f) Administrative costs.
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  - (f) Time period of grant.
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  - (h) Authorization of appropriations.
2021. Definitions.

#### CODIFICATION

Part B of title XI of the Education Amendments of 1978, comprising this chapter, was originally enacted as part B of title XI of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2316, and amended by 1978 Reorg. Plan No. 2, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-46, Aug. 6, 1979, 93 Stat. 338; Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668; Pub. L. 97-375, Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-511, Oct. 19, 1984, 98 Stat. 2366; Pub. L. 99-89, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-228, Dec. 28, 1985, 99 Stat. 1747; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-427, Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, May 24, 1990, 104 Stat. 206; Pub. L. 102-531, Oct. 27, 1992, 106 Stat. 3469; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-134, Apr. 26, 1996, 110 Stat. 1321; Pub. L. 104-140, May 2, 1996, 110 Stat. 1327; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581; Pub. L. 105-362, Nov. 10, 1998, 112 Stat. 3280; Pub. L. 106-554, Dec. 21, 2000, 114 Stat. 2763. Part B of title XI of the Act is shown herein, however, as having been added by Pub. L. 107-110 without reference to such intervening amendments because of the extensive amendment of the part's provisions by Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007.

#### § 2000. Declaration of policy

Congress declares that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children. It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children and for the operation and financial support of the Bureau of Indian Affairs-funded school system to work in full cooperation with tribes toward the goal of ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of those children.

(Pub. L. 95-561, title XI, §1120, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007.)

#### EFFECTIVE DATE

Chapter effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.